

The Honorable John H. Chun

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DWIGHT CHRISTIANSON HENLINE,

Defendant.

No. CR22-069 JHC

**GOVERNMENT'S PROPOSED
FOURTH SUPPLEMENTAL
JURY INSTRUCTIONS
(CITED)**

DATED this 16th day of November, 2023.

Respectfully submitted,

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Acting United States Attorney

s/ Erin H. Becker
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REQUESTED POST-TRIAL INSTRUCTION NO. 1

INSTRUCTION NO. ____

Members of the jury, you have reported that you have been unable to reach a unanimous verdict in this case. I have decided to suggest a few additional thoughts to you.

As jurors, you have a duty to discuss the case with one another and to deliberate in an effort to reach a unanimous verdict if each of you can do so without violating your individual judgment and conscience. Each of you must decide the case for yourself, but only after you consider the evidence impartially with your fellow jurors. During your deliberations, you should not hesitate to reexamine your own views and change your opinion if you become persuaded that it is wrong. You should not, however, change an honest belief as to the weight or effect of the evidence solely because of the opinions of your fellow jurors or for the mere purpose of returning a verdict.

I also remind you that in your deliberations you are to consider the instructions that I have given you as a whole. You should not single out any part of any instruction, including this one, and ignore others. They are all equally important.

What I have just said is not meant to rush you or pressure you into agreeing on a verdict. Take as much time as you need to discuss things. There is no hurry.

I ask that you now return to the jury room and continue your deliberations with these additional comments in mind.

Ninth Circuit Model Jury Instruction – 6.25

REQUESTED POST-TRIAL INSTRUCTION NO. 2

INSTRUCTION NO. ____

To the Foreperson: In your opinion, is the jury unable to agree on a verdict as to any count?

To all jurors: If any of you disagree with the Foreperson's answer, please tell me now.

If the response to the first questions is "yes," then ask:

To the Foreperson: Is there a reasonable probability that the jury can reach a unanimous verdict as to any count if sent back to the jury room for further deliberation?

If the response to the above question is "no," then ask the entire panel the following:

To all jurors: Without stating where any juror stands on any count, do any of you believe there is a reasonable probability that the jury can reach a unanimous verdict as to any count if sent back to the jury room for further deliberation?

Ninth Circuit Model Jury Instruction – 6.26 (modified to account for multiple counts)